

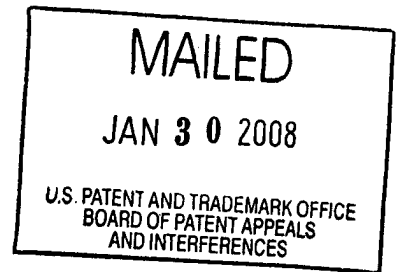
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte: TIMOTHY KANE AND JOHN MUNSON

Application 10/067,875

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences on December 31, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below.

APPEAL BRIEF

An examination of the Image File Wrapper (IFW) reveals that the Appeal Brief filed February 22, 2007, erroneously lists the statement of rejection as follows in the "Grounds of Rejection to Be Reviewed on Appeal" section [pages 5]:

3. Claims 2, 7 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Endo in view of Deng (U.S. Patent No. 6, 243, 394), hereafter "Deng".

While the Examiner's Answer mailed June 25, 2007, states that "[t]he appellant's statement of the grounds of rejection to be reviewed on appeal is correct [page 2], the

Examiner's Answer lists the statement of rejection as follows [page 7]:

Claims 2, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo, US 2004/0212841, in view of Deng, US 6,243, 394

Clarification of claim 11 is required in the Appeal Brief filed February 22, 2007.

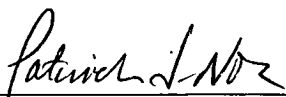
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) hold the Appeal Brief filed February 22, 2007, defective;
- 2) notify the Appellant to submit a "paper" which corrects the Grounds of Rejection to be Reviewed on Appeal section;
- 3) acknowledge and consider any "paper" that may be submitted by Appellant in response to the Notice of Non-Compliance to correct the Appeal Brief as required by 37 § 41.37(c)(1)(vi); and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN/tsj

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